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2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 OAKLAND DIVISION  
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6 MACK WARD, et al.,

7 Plaintiffs,

8 vs.

9 FLUOR ENTERPRISES, INC.,

10 Defendant.

Case No: C 10-4361 SBA

**ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS**

Dkt. 8

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12 On December 2, 2010, Defendant filed a motion to dismiss and strike Plaintiffs'  
13 complaint, which is currently scheduled for hearing on March 1, 2011. Dkt. 8. Subsequently,  
14 on December 10, 2010, Plaintiffs filed a first amended complaint. Defendant answered  
15 Plaintiffs' first amended complaint on December 22, 2010. Accordingly,

16 IT IS HEREBY ORDERED THAT Defendant's motion to dismiss and strike (Dkt. 8)  
17 is DENIED as MOOT in view of Plaintiffs' filing of a first amended complaint. The March 1,  
18 2011 hearing on Defendant's motion to dismiss and strike is VACATED. The March 1, 2011  
19 hearing on Defendant's motion to transfer venue (Dkt. 16) remains unchanged. This Order  
20 terminates Docket 8.

21 IT IS SO ORDERED.

22 Dated: February 17, 2011

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SAUNDRA BROWN ARMSTRONG  
United States District Judge  
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